

Environmental Quality Board Study of Mandatory Threshold Levels for Environmental Review



HISTORICAL PLACES CATEGORY

Introduction

At its January 2004 meeting, the Environmental Quality Board (EQB) asked its staff to examine the mandatory category threshold levels in the environmental review rules (Mn Rules parts 4410.4300 and 4410.4400). Board members wanted to know if the thresholds are still appropriately placed to balance environmental protection and public benefit with administrative burden.

Potential Changes in the Historical Places Category

The following changes are being considered for the Historical Places Category:

- (1) Recognize review by a certified local heritage preservation commission as a reason to exclude a project from the mandatory EAW requirements; and
- (2) Exclude demolition of a non-contributing structure in a historic district from the mandatory EAW requirements.

Background information

Current Thresholds

For the Historical Places Mandatory Category, the current threshold is as follows:

Mandatory Environmental Assessment Worksheet (4410.4300, subpart 31)

For the destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, except this does not apply to projects reviewed under section 106 of the National Historic Preservation Act of 1966, United States Code, title 16, section 470, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, section 303. The RGU is the permitting state agency or local unit of government.

Mandatory Environmental Impact Statement

There is no threshold triggering a mandatory Environmental Impact Statement in the historic places category.

Survey Results & Discussion with Historical Society

The results from the RGU surveys for the Historical Places category indicated a higher degree of dissatisfaction than for any other single category surveyed. Eighty-three percent of the respondents indicated that the threshold should be raised. The staff held discussions about the present category thresholds with the staff of the Minnesota Historical Society's State Historic Preservation Office. These discussions resulted in the suggestions for changes in the category reflected in this report.

Rationale for Changes

Where there is an established local historic preservation commission and a good preservation ordinance in place there is adequate oversight over historic places without preparation of an EAW. The rule language will need to provide a standard for an adequate ordinance.

A "non-contributing structure" is a structure located within the boundaries of a designated historic district but which itself is not historic and does not contribute to the historical attributes of the district as a whole. Often, non-contributing structures are buildings constructed many years after the period during which the historic buildings of the district were built. For some historic districts, the nomination form establishing the district lists which buildings are contributing and non-contributing. In other cases, especially with older designations, the nomination form does not indicate which buildings are non-contributing. In these latter cases, the rule will need to prescribe how it will be determined if a building proposed for demolition is a contributing structure.
